

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

THEODORE EDWARD WHITFORD,
JR.,

Defendant.

CR 13-23-GF-BMM

ORDER

This case was referred to United States Magistrate Judge John Johnston for a revocation hearing and findings and recommendations. Judge Johnston entered his findings and recommendations on October 4, 2016. Defendant admitted had violated Standard Condition 7 of his supervised release by using methamphetamine and opiates on two occasions, violated Special Condition 2 by failing to complete substance abuse treatment, violated Standard Condition 6 by failing to notify USPO of any change of employment and that he had violated Special Condition 1 of his supervised release by failing to report for urinalysis testing and sweat patch removal/application. Judge Johnston found the admissions sufficient to establish

the supervised release violations. He recommended that this Court revoke Defendant's supervised release and ordered him to attend and complete treatment at the Montana Chemical Dependency Center in Butte, Montana with 31 months of supervised release to follow.

Both parties waived the fourteen day period to file an objection to Judge Johnston's findings and recommendations in open court on October 4, 2016. Judge Johnston's findings and recommendations are therefore reviewed for clear error. *McDonnell Douglas Corp. Commodore Bus. Mach, Inc.*, 656 F.2d 1309, 1319 (9th Cir. 1981).

This Court agrees with Judge Johnston's findings. Defendant admitted that he violated Standard Condition 7, and Special Condition 2. Defendant should attend and complete treatment at the Montana Chemical Dependency Center in Butte, Montana, followed by 31 months of supervised release. The United States Sentencing Guidelines call for a term of imprisonment of 24 months with 32 months of supervised release, less any custody time imposed. Treatment at the Montana Chemical Dependency Center in Butte, Montana, followed by 31 months of supervised release is sufficient but not greater than necessary.

IT IS ORDERED that Judge Johnston's Findings and Recommendations (Doc. 51) are ADOPTED in full and Judgment shall be entered accordingly.

DATED this 4th day of October, 2016.

A handwritten signature in blue ink, reading "Brian Morris". The signature is fluid and cursive, with the first name "Brian" and last name "Morris" clearly distinguishable. The signature is positioned above a horizontal line.

Brian Morris
United States District Court Judge